IN THE HIGH COURT OF THE JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3562 OF 2005
IN
CRIMINAL WRIT PETITION NO.1496 OF 2005

Yatindra Ram Shukla ...Applicant

V/s

State of Maharashtra & Ors. ...Respondent

Shri.N.N.Gawankar with Arfan Shait for the Applicant.
Ms. Rajshree Gadhvi A.P.P. for the Respondents.

CORAM : A.S.OKA, J.
DATED : JUNE 09, 2005.

P.C.:

1. Heard Counsel appearing for the parties. Heard learned A.P.P. for the Respondents Mr. B.D. Dewalwar Jailor from Thane Central Prison is also present. By the order dated 3rd June 2005 in Criminal Writ Petition No.1496 of 2005 this Court granted a parole in favour of the Applicant till 17th June 2005. The parole was granted on the ground that the Applicant's father has expired on 2nd June 2005. While granting parole a condition was imposed that the Applicant shall report daily to the Local Police Station at Belapur during the hours specified in the said Order.

2. This application is filed by the Applicant for

relaxation of the aforesaid condition on the ground that the Applicant is required to visit Allahabad for imersing his father's ashes. It is stated in the application that the Applicant will return back on 13th June 2005.

3. The learned A.P.P. for the Respondents submitted that if the Applicant is permitted to visit Allahabad there is no guarantee that he will come back and surrender on or before 17th June 2005 when period of parole expires.

4. The Applicant was granted parole only on the ground of death of his father. The Applicant now desires to visit Allahabad for imersing ashes of his father. The Applicant has stated in the application which is duly affirmed by him that he will return back by 13th June 2005. The statement made to that effect in paragraph No.6 of this application is accepted as undertaking of the Applicant to return back on 13th June 2005.

5. The learned counsel for the Applicant stated that local address of the Applicant till 13th June 2005 will be "C/o. Anil Kumar Tiwari, Gram-Barwa, Post-Bhagawatpur/Bambravli, Zilla-Allahabad, Uttar Pradesh". If the Applicant is to be granted relief he

will have to report to the Local Police Station. The learned A.P.P. states that the Local Police Station is Pura Mufti Police Station, Janpat, Kausambik, Dist. Allahabad and the name of the Station Officer in the said Police Station is Shri. Arvind Kumar Srivastav.

6. In view of this position the application is disposed of by passing the following order:

: O R D E R :

i) The condition incorporated in the order dated 3rd June 2005 directing the Applicant to report to Belapur Police Station everyday is relaxed till and inclusive of 13th June 2005 subject to following conditions:

(a) Till 13th June 2005 the Applicant shall report daily to the Station Officer Shri.Arvind Kumar Srivastav of the Pura Mufti Police Station, Janpat, Kausambik, Dist. Allahabad

(b) That the Applicant will return to Belapur on or before 13th June 2005 and will surrender on expiry of period of parole granted by this Court.

JUDGE